



STATE OF ARKANSAS
THE ATTORNEY GENERAL
DUSTIN McDANIEL

October 14, 2009

Chairman Julius Genachowski
Commissioner Meredith Attwell Baker
Commissioner Mignon Clyburn
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

RE: Broadband Industry Practices (WC Docket No. 07-52)

Dear Commission:

As Attorney General and a former state legislator, I understand the challenges you face in developing rules and regulations for complicated issues which impact Americans' daily lives. Seldom are the answers crystal clear or the solutions simple. I read with interest the media accounts regarding your recent speech before the Brookings Institution. I want to commend you for your thoughtfulness and tone. I, like you, favor a free and open Internet. There is no justifiable reason for blocking access to legal Web sites for any type of unreasonable discrimination against providers or users.

With that said, I respectfully urge caution as the FCC conducts a network neutrality rule making. I believe adding another layer of government regulation poses real risks like freezing private investment and stifling innovation. The current system of light regulation and market competition seems to be working well for consumers; consequently, I found it curious that the FCC intends to expand the network-neutrality concepts to the wireless market. I can't think of another marketplace that offers so many choices to consumers and brings tangible benefits such as lower prices, innovative products and creative, new services.

In Arkansas, the wireless industry has done remarkably well. Investment in advanced infrastructure has continued despite the extended economic downturn. Therefore, injecting more government and more regulation into both wireline and

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wireless Internet access should be undertaken with great care and with an eye toward avoiding unintended consequences.

As the rule making process gets underway I encourage you to be mindful of consumers who seem to be reaping the benefits of a competitive, open marketplace. In taking the consumer into consideration, the "do no harm" principle should be foremost in your discussions.

I appreciate the FCC's efforts and your leadership of the agency in sorting out extremely complicated issues, and I thank you for the opportunity to speak on this important topic.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin McDaniel". The signature is fluid and cursive, with a large, sweeping flourish at the end.

DUSTIN McDANIEL